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Defendant(s).


ORDER

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Findings and Recommendations of Magistrate Judge Foley should be accepted and adopted.

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1 IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommenda-
2 tion (#55) is ACCEPTED and ADOPTED, and Plaintiff's action is dismissed.

3 Dated: January 23, 2009.

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6 **ROGER L. HUNT**
7 Chief U.S. District Judge
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